

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MOTION HEARING VIA ELECTRONIC MEANS

Atari Interactive, Inc., a Delaware corporation,

Plaintiff,

v.

Target Corporation, a Minnesota corporation,

Defendant.

COURT MINUTES

BEFORE: Becky R. Thorson

U.S. Magistrate Judge

Case No: 20cv54 (PJS/BRT)

Date: October 7, 2020

Location: (via electronic means)

Court Reporter: n/a (audio recorded)

Hearing Time Commenced: 1:30 p.m.

Hearing Time Concluded: 4:08 p.m.

Time in Court: 2 Hours & 38 Minutes

APPEARANCES BY ELECTRONIC MEANS:

For Plaintiff: Jorgen M. Lervick, Esq., DeWitt LLP
Matthew L. Venezia, Esq., Serli Polatoglu, Esq., Browne George Ross LLP

For Defendant: Peter M. Routhier, Esq., Faegre Drinker Biddle & Reath LLP

Hearing on: Plaintiff Atari Interactive, Inc.'s Motion to Compel (Doc. No. 80);
Defendant Target Corporation's Motion for a Protective Order (Doc. No. 86);
Plaintiff Atari Interactive, Inc.'s Motion for Sanctions (Doc. No. 102); and
Defendant Target Corporation's Motion to Compel (Doc. No. 111).

IF MOTION IS RULED ON PLEASE INCLUDE DOCUMENT NUMBER AND TITLE APPEARING IN CM/ECF:

- I. As stated on the record, Plaintiff Atari Interactive, Inc.'s Motion to Compel (Doc. No. 80) is **GRANTED IN PART** and **DENIED IN PART**.
- II. As stated on the record, Defendant Target Corporation's Motion for a Protective Order (Doc. No. 86) is **GRANTED** to the extent the topics at issue were not withdrawn by Atari.
- III. As stated on the record, Plaintiff Atari Interactive, Inc.'s Motion for Sanctions (Doc. No. 102) is **DENIED**. However, the Court grants some alternative relief as stated on the record. Regarding RFP 1 and 2 (as defined by the Court previously), Target must expand its search for responsive documents to those people who are current employees that are listed at 124-1 on page 2 in the "To:" field. Responsive documents regarding RFP 1 are limited to the time frame up until 7/12/16. All documents produced responsive to RFP 1 and 2 must be produced within 21 days. Atari's request for Attorney's Fees and Costs is denied.
- IV. As stated on the record, Defendant Target Corporation's Motion to Compel (Doc. No. 111) is **GRANTED**. Target's further 30(b)(6) deposition is limited to 4 hours. The parties must meet and confer to discuss the timing of this deposition and the timing of the production of the list described below. Target must prepare a prioritized list of the specific topics that were subject to this motion to compel that it intends to cover. In preparing this list, Target must prepare a list that can realistically be covered in 4 hours. The purpose of this requirement is to assist Plaintiff in preparing its designee

to testify on the specified topics. The prioritized list also ensures that the designee will not be required to unnecessarily overprepare on topics that cannot be covered in the time allotted or that Target does not intend to cover.

ORDER TO BE SUBMITTED BY: ☐ COURT ☐ PLAINTIFF ☐ DEFENDANT

Motion taken under advisement as of: n/a

☐ ORDER TO BE ISSUED ☒ NO SEPARATE ORDER TO BE ISSUED ☐ R&R TO BE ISSUED ☐ NO R&R TO BE ISSUED

☐ Exhibits retained by the Court ☐ Exhibits returned to counsel

s/ Danielle M. Mair
Signature of Law Clerk